

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 DOE-15 H-01 INR-10 INT-05
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TO SECSTATE WASHDC 0017
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INFO AMCONSUL ADANA
AMCONSUL IZMIR

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E.O. 11652: N/A
TAGS: BDIS, ENRG, EFIN, TU
SUBJECT: MOBIL OIL PROBLEMS IN TURKEY

REF: A) ISTANBUL 1622 B) ISTANBUL 1553

1. MOBIL OIL RECEIVED A NOTIFICATION DATED MAY 31 FROM HAYNETTIN AYHAN, GENERAL DIRECTORATE OF PETROLEUM AFFAIRS, MINISTRY OF ENERGY, STATING THAT BECAUSE OF THE FULL CAPACITY OPERATIONS OF THE ATAS REFINERY DURING THE LAST DAYS OF THE 90-DAY PERIOD, HIS DIRECTORATE WAS REFRAINING FROM RECOMMENDING REVOCATION OF THE REFINING CERTIFICATE BUT THAT IF REFINERY IS AGAIN OPERATED AT LESS THAN FULL CAPACITY, EXCEPT FOR APPROVED TECHNICAL REASONS, A PROMPT REQUEST WILL BE MADE TO THE MINISTER OF ENERGY FOR SUCH REVOCATION. A TRANSLATION OF THE COMMUNICATION FOLLOWS:

2. QUOTE: FROM GDPA TO ATAS. IN YOUR CAPACITY AS JOINT REPRESENTATIVE OF MOBIL REFINING COMPANY INC., RAFFINADERIZ SHELL MERSIN N.V., BP OVERSEAS REFINING CO. AND MARMARA
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PETROL VE RAFINERI ISLERI,A.S.
UPON THE ESTABLISHMENT OF THE FACT THAT THE ATAS REFINERY WHICH BELONGS TO THE COMPANIES THAT YOU REPRESENT HAD BEEN OPERATED AT LESS THAN FULL CPACITY, OUR GENERAL DIRECTORATE, INVOKING ARTICLE 132/3 OF THE PETROLEUM LAW AD ARTICLE 62/4-C OF THE PETROLEUM REGULATIONS, ISSUED A WRITTEN NOTICE TO YOUR COKPANY AS THE

REPRESENTATIVE OF THE REFINERY SHAREHOLDERS ON FEBRUARY 24, 1978 AND ADVISED THAT IN CASE THE REFINERY WAS NOT OPERATED AT FULL CAPACITY "IN ACCORDANCE WITH THE PRINCIPLE OF GOOD FAITH" WITHIN 90 DAYS, APPLICATION WOULD BE MADE TO THE MINISTER OF ENERGY AND NATURAL RESOURCES FOR REVOCATION OF THE CERTIFICATE.

ALTHOUGH THE ABOVE MENTIONED PERIOD OF 90 DAYS HAS EXPIRED, NEITHER THE SHAREHOLDERS OF THE REFINERY CERTIFICATE NOR YOUR COMPANY IN YOUR CAPACITY AS THEIR REPRESENTATIVE HAVE MADE ANY WRITTEN STATEMENT TO THE EFFECT THAT THE INSTRUCTIONS MENTIONED IN THE NOTICE WOULD BE COMPLIED WITH.

ALTHOUGH IT WAS STATED IN THE LETTER DATED MAY 25, 1978 HANDED BY YOUR COMPANY THAT THE REFINERY'S OPERATION WOULD BE BROUGHT UP TO FULL CAPACITY BEGINNING ON MAY 26, 1978, IT IS CLEAR THAT NEITHER THE ABOVE MENTIONED LETTER NOR THE APPLICATION MADE BY MOBIL COMPANY BY CABLE ON MAY 24, 1978 DO NOT CONFIRM THAT OUR INSTRUCTIONS WILL BE OBEYED ON A CONTINUOUS BASIS AND HENCEFORTH, THE RESPONSIBILITY TO SUPPLY THE REQUIREMENTS OF TURKISH CONSUMERS CONTINUOUSLY WOULD BE DISCHARGED WITHOUT INTERRUPTION AND IN ACCORDANCE WITH THE PRINCIPLES OF "GOOD FAITH" MENTIONED IN ARTICLE 85 OF THE PETROLEUM LAW.

IN THE MEANTIME, THE ADMINISTRATIVE ACTION-NOTICE DATED MARCH 24, 1978 OF OUR GENERAL DIRECTORATE HAS BEEN LIMITED OFFICIAL USE

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APPROVED BY DECISION DATED MAY 22, 1978 OF THE MINISTER OF ENERGY AND NATURAL RESOURCES. THUS, THE ABOVE-MENTIONED ACTION IS NOW FINAL.

AS YOU ARE AWARE, ARTICLE 132/3 OF THE PETROLEUM LAW REQUIRES THE DIRECT APPLICATION OF THE REVOCATION PROCEDURE AT THE EXPIRY OF THE 90-DAYS' PERIOD. HOWEVER, OUR GENERAL DIRECTORATE, TAKING INTO CONSIDERATION THE RECENT SITUATION OF INCREASED CRUDE RUN IN THE REFINERY HAS DECIDED TO FOLLOW UP CLOSELY, THE OPERATION OF THE REFINERY AT FULL CAPACITY THAT STARTED ON THE LAST DAYS OF THE 90-DAY PERIOD AND DETERMINE WHETHER THIS OPERATION HAS A PERMANENT CHARACTER CONFORMING TO OUR INSTRUCTIONS OR IT IS A MEASURE AIMED AT BREAKING THE PERIOD ALLOWED ACCORDING TO THE LAW AND HENCE DECIDED FOR THE TIME BEING TO REFRAIN FROM RECOMMENDING TO THE MINISTRY OF ENERGY AND NATURAL RESOURCES FOR THE REVOCATION OF THE CERTIFICATE.

IN CASE THE REFINERY IS AGAIN OPERATED AT LESS THAN FULL CAPACITY FOR ANY REASONS OTHER THAN TECHNICAL INTERRUPTIONS APPROVED BY OUR GENERAL DIRECTORATE, A NEW PERIOD WILL NOT BE ALLOWED TO YOUR COMPANY OR THE CERTIFICATE SHAREHOLDERS REPRESENTED BY YOU AND

PROMPT REQUEST WILL BE MADE TO THE MINSTER FOR
REVOCATION OF THE CERTIFICATE PURSUANT TO ARTICLE
132/4 OF THE PETROLEUM LAW.

PLEASE BE ADVISED URGENTLY. HAYRETTIN AYHAN
GENERAL DIRECTOR OF PETROLEUM AFFAIRS. END QUOTE
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Message Attributes

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